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Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
Advanced Television Systems)	
and Their Impact Upon the)	MM Docket No. 87-268
Existing Television Broadcast)	
Service)	

Reply comments of

CHILDREN NOW

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Introduction.

Children Now submits these brief reply comments in response to comments filed on the Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry, FCC 95-315 (Released August 9, 1995) ("FNOPR") in the above referenced matter.

We submit these comments because we believe that the decision about how to allocate the digital spectrum is an historic one with enormous implications for children.

As the Commission is aware, Children Now believes that public interest requirements on broadcasters' use of the current analog spectrum should be enhanced, through the imposition of quantitative guidelines on the Children's Television Act.

Amount of spectrum to be allocated to broadcasters.

With regard to use of the digital spectrum, we start from the principle that broadcasters should not be granted any additional spectrum without additional public interest obligations. Accordingly, we believe that broadcasters should be allocated only enough bandwidth of digital spectrum to allow them to replace their current analog channel with one free over-the-air digital channel. We do not believe that current licensees are automatically entitled to enough spectrum to provide new subscription or nonbroadcast services, unless they either pay for the right to use that spectrum, or agree to significantly enhanced public service obligations.

Return of the analog spectrum.

Nor do we believe current licensees should be entitled to retain both their analog and their digital spectrum allocations for any longer than is required to make the transition, unless the spectrum is paid for through auctions or is exchanged for an agreement to help serve

the public interest. Hence we strongly believe that the Commission should establish a date certain for the return of the analog spectrum.

Distribution of additional digital spectrum.

The remainder of the digital spectrum, above and beyond that required for the transition to one free digital television station, should be subject to an auction under Section 309(j) of the Communications Act.

Should the Commission choose to offer broadcasters free use of digital spectrum above and beyond the amount needed to replace their current analog channel with one free, over the air digital channel, we believe the Commission should require that spectrum be "principally used" for the provision of additional free program services, as suggested in the comments of The Media Access Project et al.

Clearly, any digital spectrum allocated free of charge to incumbent broadcasters or others should be subject to public interest obligations including the obligation to provide programming specifically designed to meet the educational and informational needs of children.

New public interest obligations.

Assessing broadcaster compliance with current public interest obligations concerning children's television has proved to be a time-consuming and difficult process. We urge that in the transition to digital spectrum the Commission make children's educational programming obligations and reporting requirements as clear and specific as possible.

Conclusion.

The Commission's decisions on the issues raised in this docket will change the face of American broadcasting, and will significantly impact how children are served by the use of the public airwaves. We

urge the Commission to proceed in a manner that ensures that the public airwaves are used in exchange for an agreement to serve the public interest, including a clear agreement to serve the educational and informational needs of children.